

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BREANNA KALAISHA B.,

Plaintiff(s),

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant(s).

Case No. 2:25-cv-00086-NJK

Order

[Docket No. 1]

Plaintiff requests authority pursuant to 28 U.S.C. § 1915 to proceed *in forma pauperis* (Docket No. 1) and has submitted a complaint (Docket No. 1-2).

I. Application to Proceed *In Forma Pauperis*

Plaintiff filed an application to proceed *in forma pauperis*. Docket No. 1. The application has sufficiently shown an inability to prepay fees and costs or give security for them. Accordingly, the application to proceed *in forma pauperis* will be granted pursuant to § 1915.

II. Screening the Complaint

When a party seeks permission to pursue a civil case *in forma pauperis*, courts will screen the complaint. *See* 28 U.S.C. § 1915(e). A central function of this screening process is to “discourage the filing of, and waste of judicial and private resources upon, baseless lawsuits that paying litigants generally do not initiate because of the cost of bringing suit.” *Neitzke v. Williams*, 490 U.S. 319, 327 (1989).

With respect to social security appeals specifically, judges in this District have outlined some basic requirements for complaints to satisfy the Court’s screening. First, the complaint must establish that administrative remedies were exhausted pursuant to 42 U.S.C. § 405(g), and that the civil action was commenced within 60 days after notice of a final decision. Second, the complaint must indicate the judicial district in which the plaintiff resides. Third, the complaint must state the

1 nature of the plaintiff's disability and when the plaintiff claims to have become disabled. Fourth,
 2 the complaint must identify the nature of the plaintiff's disagreement with the determination made
 3 by the Social Security Administration and show that the plaintiff is entitled to relief. *See, e.g.,*
 4 *Graves v. Colvin*, 2015 WL 357121, *2 (D. Nev. Jan. 26, 2015) (collecting cases).

5 In this case, the complaint fails to state the nature of Plaintiff's disability and when Plaintiff
 6 claims to have become disabled. The complaint also fails to provide any explanation of the nature
 7 of Plaintiff's disagreement with the decision rendered below. *See* Docket No. 1-2. New rules
 8 govern social security cases, which provide in pertinent part that the plaintiff "may" provide a
 9 short and plain statement of the grounds for relief. Supp. R. Soc. Sec. 2(b)(2). In the context of
 10 an *in forma pauperis* screening, however, a social security plaintiff must still provide a sufficient
 11 explanation as to her contentions on appeal. *Jalal H. v. Comm'r of Soc. Sec.*, 2023 WL 35218, at
 12 *2 (S.D. Cal. Jan. 4, 2023).

13 **III. Conclusion**

14 Accordingly, the Court hereby **ORDERS** as follows:

- 15 1. Plaintiff's request to proceed *in forma pauperis* is **GRANTED** with the caveat that the
 16 fees must be paid if recovery is made. At this time, Plaintiff is not required to pre-pay
 17 the filing fee.
- 18 2. The Clerk's Office is **INSTRUCTED** to file the complaint (Docket No. 1-2) on the
 19 docket.
- 20 3. Plaintiff's complaint is **DISMISSED** with leave to amend. Plaintiff will have until
 21 **February 6, 2025**, to file an amended complaint, if the noted deficiencies can be
 22 corrected. If Plaintiff chooses to amend the complaint, Plaintiff is informed that the
 23 Court cannot refer to a prior pleading (i.e., the original complaint or amended
 24 complaint) in order to make the amended complaint complete. This is because, as a
 25 general rule, an amended complaint supersedes earlier pleadings. Local Rule 15-1(a)
 26 requires that an amended complaint be complete in itself without reference to any prior
 27 pleading. Once a plaintiff files an amended complaint, the earlier pleadings no longer
 28

1 serve any function in the case. Therefore, in an amended complaint, each claim and the
2 involvement of each defendant must be sufficiently alleged.

3 **4. Failure to file an amended complaint by the deadline set above may result in the**
4 **dismissal of this case.**

5 IT IS SO ORDERED.

6 Dated: January 16, 2025

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Nancy J. Koppe
United States Magistrate Judge